

By: Senator(s) Moffatt, Cuevas, Dawkins,
Gollott, Hewes, Lee (47th), Morgan,
Robertson, Walley

To: Environment Prot, Cons
and Water Res; Finance

SENATE BILL NO. 2943
(As Sent to Governor)

1 AN ACT TO CREATE THE MISSISSIPPI GULF REGION UTILITY BOARD;
2 THE GEORGE COUNTY UTILITY AUTHORITY; THE STONE COUNTY UTILITY
3 AUTHORITY; THE PEARL RIVER COUNTY UTILITY AUTHORITY; THE HANCOCK
4 COUNTY UTILITY AUTHORITY; THE HARRISON COUNTY UTILITY AUTHORITY;
5 AND THE JACKSON COUNTY UTILITY AUTHORITY; TO EMPOWER THE COUNTY
6 AUTHORITIES; TO PROVIDE FOR A BOARD OF DIRECTORS FOR THE COUNTY
7 AUTHORITIES; TO AUTHORIZE THE COUNTY AUTHORITIES TO PROVIDE WATER,
8 WASTEWATER, AND STORM WATER SERVICES AND FACILITIES; TO AUTHORIZE
9 THE AUTHORITIES TO ISSUE REVENUE BONDS FOR SUCH PROJECTS; TO
10 REPEAL SECTIONS 49-17-161 THROUGH 49-17-209, MISSISSIPPI CODE OF
11 1972, WHICH CREATE AND EMPOWER THE SOUTHERN REGIONAL WASTEWATER
12 MANAGEMENT DISTRICT; TO REPEAL SECTIONS 49-17-301 THROUGH
13 49-17-353, MISSISSIPPI CODE OF 1972, WHICH CREATE AND EMPOWER THE
14 MISSISSIPPI GULF COAST REGIONAL WASTEWATER AUTHORITY; AND FOR
15 RELATED PURPOSES.

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

17 **SECTION 1. Title.** Sections 1 through 38 of this act shall
18 be known and may be cited as the "Mississippi Gulf Coast Region
19 Utility Act."

20 **SECTION 2. Legislative findings.** In the spirit of the
21 report of the Governor's Commission on Recovery, Rebuilding and
22 Renewal, the Legislature finds that there is a need for
23 consolidation of water, wastewater and storm water services in
24 order to reduce costs, promote resilience in the event of a
25 disaster, improve the quality of the natural environment, and
26 improve the planning and delivery of quality water, wastewater and
27 storm water services within the areas of the Counties of George,
28 Hancock, Harrison, Jackson, Pearl River and Stone. It is further
29 declared that there is the need for the planning, acquisition,
30 construction, maintenance, operation and coordination of water,
31 wastewater and storm water services in order to ensure protection
32 of the waters of the state and to ensure the delivery of water,
33 wastewater and storm water services to citizens of the Gulf Coast

34 Region. The creation of the Mississippi Gulf Coast Region Utility
35 Act is determined to be necessary and essential to the
36 accomplishment of these purposes. To facilitate the purposes of
37 the act, the Gulf Coast Region Utility Board, the George County
38 Utility Authority, the Hancock County Utility Authority, the
39 Harrison County Utility Authority, the Jackson County Utility
40 Authority, the Pearl River County Utility Authority and the Stone
41 County Utility Authority are created herein.

42 **SECTION 3. Definitions.** Words and phrases used in this act
43 shall have meanings as follows:

44 (a) "Act" means the Mississippi Gulf Coast Region
45 Utility Act.

46 (b) "Bonds" mean interim notes having a maturity of
47 three (3) years or less, revenue bonds and other certificates of
48 indebtedness of the authority issued under the provisions of this
49 act.

50 (c) "County authority" means a county utility authority
51 created in the Gulf Coast Region under this act.

52 (d) "Fiscal year" means the period of time beginning on
53 October 1 of each year and ending on September 30 of each year.

54 (e) "Gulf Coast Region" means the areas encompassed by
55 the Counties of George, Hancock, Harrison, Jackson, Pearl River
56 and Stone.

57 (f) "Municipality" means any incorporated city, town or
58 village of the State of Mississippi, whether operating under
59 general law or under special charter, lying wholly or partly
60 within the Gulf Coast Region.

61 (g) "Person" means the State of Mississippi, a county,
62 a municipality, any public agency, or any other city, town,
63 village or political subdivision or governmental agency,
64 governmental instrumentality of the State of Mississippi or of the
65 United States of America, or any private utility, individual,

66 co-partnership, association, firm, trust, estate or any other
67 entity whatsoever.

68 (h) "Project" means the construction, development or
69 acquisition by the county authority or county authorities of any
70 infrastructure for water, wastewater and storm water systems or
71 services and includes upgrading or repair of existing systems.

72 (i) "Public agency" means any county, municipality,
73 state board or commission owning or operating properties, district
74 created pursuant to the general laws or local and private laws of
75 the State of Mississippi, or other political subdivision of the
76 State of Mississippi having the power to own and operate
77 waterworks, water supply systems, sewerage systems, sewage
78 treatment systems or other facilities or systems for the
79 collection, transportation and treatment of water, wastewater and
80 storm water.

81 (j) "Storm water" means any flow occurring during or
82 following any form of natural precipitation and resulting from
83 that precipitation.

84 (k) "System" or "systems" means any plants, structures,
85 facilities and other real and personal property, used or useful in
86 the generation, storage, transportation or supply of water, and
87 the collection, transportation, treatment or disposal of
88 wastewater and storm water, including, but not limited to, tanks,
89 lakes, streams, ponds, pipes, trunk lines, mains, sewers,
90 conduits, pipelines, pumping and ventilating stations, plants and
91 works, connections and any other real and personal property and
92 rights therein necessary, useful or convenient for the purposes of
93 the utility board or authorities in connection therewith.

94 (l) "Wastewater" means water being disposed of by any
95 person and which is contaminated with waste or sewage, including
96 industrial, municipal and any other wastewater that may cause
97 impairment of the quality of the waters in the state.

98 (m) "Water" means potable water, service water and
99 groundwater.

100 (n) "Utility board" means the Mississippi Gulf Coast
101 Region Utility Board.

102 **SECTION 4. Creation of the Mississippi Gulf Coast Region**

103 **Utility Board.** (1) There is hereby created and established a
104 public body corporate and politic constituting a political
105 subdivision of the State of Mississippi to be known as the
106 "Mississippi Gulf Coast Region Utility Board" to serve the
107 citizens of the Gulf Coast Region. The utility board is created
108 as a forum for the Gulf Coast Region to collaborate and cooperate
109 regarding water, wastewater and storm water issues; to assist in
110 the efficient management of water, wastewater and storm water
111 resources; to develop recommendations pertaining to water,
112 wastewater and storm water systems; and to provide assistance,
113 funding and guidance to the county authorities to assist in the
114 identification of the best means to meet all present and future
115 water, wastewater and storm water needs in the Gulf Coast Region.

116 (2) This section shall repeal July 1, 2009.

117 **SECTION 5. Board of Directors of the Mississippi Gulf Coast**

118 **Region Utility Board.** (1) (a) All powers of the Mississippi
119 Gulf Coast Utility Board shall be exercised by a board of
120 directors to be composed of the following: (i) the president of
121 each county authority; and (ii) three (3) at-large directors, to
122 be appointed by the Governor, who shall be residents of the Gulf
123 Coast Region.

124 (b) The initial terms of the at-large directors shall
125 be for two (2), four (4) and six (6) years as designated by the
126 Governor. After the expiration of the initial terms, the
127 subsequent terms shall be for a period of six (6) years. However,
128 there shall be no more than one (1) at-large director appointed
129 from any one (1) county. Each president may appoint a delegate,
130 to represent him at a meeting of the board.

131 (2) At the initial meeting of the board, the board shall
132 elect a president and a vice president. Thereafter, the board
133 will annually, at the last meeting of the fiscal year, elect a
134 president and a vice president who shall serve in their respective
135 offices for the next fiscal year. The directors shall serve
136 without a salary but are entitled to receive per diem pay as
137 provided for in Section 25-3-69, and for actual and necessary
138 expenses incurred while in the performance of his duties as a
139 member of the board as provided in Section 25-3-41.

140 (3) Any utility board member who does not attend three (3)
141 consecutive regular meetings of the authority shall be subject to
142 removal by a majority vote of the board and shall be replaced with
143 an appointment from the Governor or governing body making the
144 initial appointment.

145 (4) The president shall be the chief executive officer of
146 the utility board and the presiding officer of the board, and
147 shall have the same right to vote as any other director. The vice
148 president shall act in the absence or disability of the president.
149 Each director shall be required to give bond in the sum of not
150 less than Fifty Thousand Dollars (\$50,000.00), with sureties
151 qualified to do business in this state, and the premiums on the
152 bond shall be an expense of the utility board. Each bond shall be
153 payable to the State of Mississippi. The condition of each bond
154 shall be that each director will faithfully perform all duties of
155 his office and account for all money or other assets which shall
156 come into his custody as a director of the utility board.

157 (5) A quorum for any meeting of the board of directors shall
158 be the majority of the total membership of the board of directors.
159 All business of the utility board shall be transacted by vote of
160 the board of directors.

161 (6) The utility board shall conduct regular meetings as set
162 forth in its bylaws. The utility board shall establish rules and
163 regulations regarding its meetings and may amend such bylaws,

164 rules and regulations as may be necessary to conduct the business
165 of the board.

166 (7) This section shall repeal July 1, 2009.

167 **SECTION 6. Employees; budget.** (1) The utility board may
168 hire an executive director and secretary-treasurer having the
169 duties as determined by the utility board. The executive director
170 must have a college degree. If hired, the executive director and
171 secretary-treasurer each shall be required to give bond in a sum
172 not less than Fifty Thousand Dollars (\$50,000.00), conditioned on
173 the executive director and secretary-treasurer faithfully
174 performing all duties of his office and account for all money and
175 other assets which come into his custody as executive director or
176 secretary-treasurer of the utility board.

177 (2) (a) The utility board shall prepare a budget consistent
178 with its bylaws estimating its expenses and revenue needs for each
179 forthcoming fiscal year at least ninety (90) days prior to the
180 beginning of each fiscal year. The utility board shall submit its
181 budget to each county authority prior to final approval by the
182 utility board. Until such time as the utility board receives
183 necessary funding from alternative sources, the "Public Trust
184 Tidelands Fund," found in Section 29-15-9, may provide the utility
185 board with funds not to exceed Two Hundred Fifty Thousand Dollars
186 (\$250,000.00) per year as specifically appropriated by the
187 Legislature for the utility board's operational costs.

188 (b) Any funds, gifts or grants allocated for the
189 administrative costs related to the restoration or construction of
190 water, wastewater and storm water services and projects in the
191 Gulf Coast Region under this act shall, to the extent allowable,
192 be paid into the Public Trust Tidelands Fund for the repayment of
193 any tideland funds expended for the operational costs of the
194 utility board.

195 (3) The utility board shall have the authority to receive
196 and spend funds from any source.

197 (4) This section shall repeal July 1, 2009.

198 **SECTION 7. Duties and responsibilities of the utility board.**

199 (1) The utility board shall have the right and powers necessary
200 to carry out the purposes of this act, including, but not limited
201 to:

202 (a) Make recommendations to the county authorities
203 pertaining to water, wastewater and storm water issues in the Gulf
204 Coast Region;

205 (b) Make recommendations necessary to achieve
206 compatibility and uniformity of systems and technology related to
207 water, wastewater and storm water in the Gulf Coast Region;

208 (c) Help resolve cross-jurisdictional and multicounty
209 disputes pertaining to water, wastewater and storm water issues
210 between county authorities when requested by the county
211 authorities;

212 (d) Recommend short-term and long-term priorities for
213 water, wastewater and storm water related projects;

214 (e) Recommend emergency preparedness procedures in the
215 Gulf Coast Region related to water, wastewater and storm water;

216 (f) Recommend training standards related to operations
217 of water, wastewater and storm water systems;

218 (g) Sue and be sued in its own name and to enjoy all
219 the protections, immunities and benefits provided by the
220 Mississippi Tort Claims Act, as it may be amended from time to
221 time;

222 (h) Adopt an official seal and alter the same at
223 pleasure;

224 (i) Maintain office space at such place or places
225 within the boundaries of the board as it may determine;

226 (j) Own or lease real or personal property;

227 (k) Invest money of the utility board, including
228 proceeds from the sale of any bonds subject to any agreements with

229 bond holders on such terms and in such manner as the utility board
230 deems proper;

231 (l) Apply for, accept and utilize grants, gifts and
232 other funds from any source for any purpose necessary in support
233 of the purpose of this act and to coordinate the distribution of
234 funds to the county authorities;

235 (m) Employ and terminate staff, including, but not
236 limited to, attorneys, engineers and consultants as may be
237 necessary;

238 (n) Enter into contracts for all operation and
239 maintenance needs of the utility board;

240 (o) Enter into contracts to conduct studies of regional
241 issues regarding water, wastewater and storm water services and to
242 provide assistance, funds and guidance in the construction,
243 operation and maintenance of regional water, wastewater and storm
244 water services;

245 (p) Enter into contracts with any person or any public
246 agency in furtherance of any of the purposes authorized by this
247 act upon such consideration as the board of directors and such
248 person may agree. Any such contract may extend over any period of
249 time, including a term which extends beyond the term of the then
250 majority of the existing board members, notwithstanding any
251 provision or rule of law to the contrary; may be upon such terms
252 and for such consideration, nominal or otherwise, as the parties
253 thereto shall agree; and may provide that it shall continue in
254 effect until bonds specified therein, refunding bonds issued in
255 lieu of such bonds, and all other obligations specified therein
256 are paid or terminated. Any such contract shall be binding upon
257 the parties thereto according to its terms. The utility board may
258 also assume or continue any contractual or other business
259 relationships entered into by the members of the utility board,
260 including the rights to receive and acquire property transferred
261 under option to purchase agreements;

262 (q) Contract with the authorities under any terms
263 mutually agreed by the parties to carry out any powers, duties or
264 responsibilities granted by this act or any other laws to the
265 authorities;

266 (r) Acquire insurance for the utility board's systems,
267 facilities, buildings, treatment plants and all property, real or
268 personal, to insure against all risks as any insurance may, from
269 time to time, be available;

270 (s) Make, enforce, amend and repeal rules and
271 regulations for the management of the utility board's business and
272 affairs;

273 (t) Enter onto public or private lands, waters or
274 premises for the purposes of making surveys, borings or soundings,
275 or conducting tests, examinations or inspections for the purposes
276 of the utility board, subject to responsibility for any damage
277 done to property entered;

278 (u) Apply, contract for, accept, receive and administer
279 gifts, grants, appropriations and donations of money, materials,
280 and property of any kind, including loans and grants from the
281 United States, the state, a unit of local government, or any
282 agency, department, district or instrumentality of any of the
283 foregoing, upon any terms and conditions as the United States, the
284 state, a unit of local government, or any agency, department,
285 district or instrumentality shall impose;

286 (v) Utility board may create, maintain and regulate
287 reservoirs and promulgate and enforce rules and regulations for
288 the creation and maintenance of reservoirs; and

289 (w) Make other recommendations to carry out the
290 purposes of this act.

291 (2) This section shall repeal July 1, 2009.

292 **SECTION 8. Creation of the George County Utility Authority.**

293 (1) There is hereby created and established a public body
294 corporate and politic constituting a political subdivision of the

295 State of Mississippi to be known as the "George County Utility
296 Authority," unless the George County Board of Supervisors
297 dissolves the authority by January 1, 2007, as provided in
298 subsection (2). The authority will be composed of the geographic
299 area of George County as defined in Section 19-1-39, Mississippi
300 Code of 1972, for the planning, acquisition, construction,
301 maintenance, operation and coordination of water, wastewater and
302 storm water systems in order to ensure the delivery of water,
303 wastewater and storm water services to citizens residing within
304 the boundaries of George County. The George County Utility
305 Authority shall be deemed to be acting in all respects for the
306 benefit of the people of the state in the performance of essential
307 public functions, and the George County Utility Authority shall be
308 empowered in accordance with the provisions of this act to promote
309 the health, welfare and prosperity of the general public.

310 (2) (a) The board of supervisors may dissolve the George
311 County Utility Authority by a resolution duly adopted and entered
312 on its minutes stating that the authority is dissolved, and
313 certifying compliance with the requirements for dissolution. The
314 board of supervisors shall file a certified copy of the resolution
315 with the Secretary of State and the Public Service Commission.
316 For the dissolution to be effective, the following requirements
317 must be met, the resolution must be adopted by January 1, 2007,
318 and the county authority must not have any outstanding
319 indebtedness of any kind or character nor have received any funds
320 for the construction or operation of water, wastewater or storm
321 water projects under this act.

322 (b) This subsection shall repeal January 2, 2007.

323 (3) If the county authority is dissolved, the board of
324 supervisors may reestablish the county authority by a resolution
325 duly adopted and entered on its minutes stating the necessity for
326 the county authority. The board shall file a certified copy of

327 the resolution with the Secretary of State, the Public Service
328 Commission and the utility board.

329 **SECTION 9. Board of Directors for George County Utility**

330 **Authority.** (1) If the authority is created, all powers of the
331 George County Utility Authority shall be exercised by a board of
332 directors comprised of five (5) directors appointed as follows:
333 Within thirty (30) days of creation of the authority, the Board of
334 Supervisors of George County shall appoint three (3) residents
335 from the county, and the Board of Aldermen of the City of Lucedale
336 shall appoint two (2) residents from the city. The directors
337 shall serve at the will and pleasure of the governing body making
338 the appointments. Any vacancy arising by expiration of a
339 director's term, or a vacancy created by the removal of a director
340 for any other reason, shall be filled by appointment made by the
341 party originally responsible for the appointment of the director
342 vacating his or her appointment.

343 (2) All business of the George County Utility Authority
344 shall be transacted as provided in Section 21, except that all
345 actions affecting rates, bonds or capital improvements must be by
346 unanimous vote of all members of the board.

347 (3) In addition to any other powers and rights conferred
348 upon such board of directors, the board is granted and may
349 exercise all powers and rights granted pursuant to Sections 20
350 through 37 of this act to promote the health, welfare and
351 prosperity of the general public.

352 **SECTION 10. Creation of the Pearl River County Utility**

353 **Authority.** There is hereby created and established a public body
354 corporate and politic constituting a political subdivision of the
355 State of Mississippi to be known as the "Pearl River County
356 Utility Authority." The authority is composed of the geographic
357 area of Pearl River County as defined in Section 19-1-109,
358 Mississippi Code of 1972, for the planning, acquisition,
359 construction, maintenance, operation and coordination of water,

360 wastewater and storm water systems in order to ensure the delivery
361 of water, wastewater and storm water services to citizens residing
362 within the boundaries of Pearl River County. The Pearl River
363 County Utility Authority shall be deemed to be acting in all
364 respects for the benefit of the people of the state in the
365 performance of essential public functions, and the Pearl River
366 County Utility Authority shall be empowered in accordance with the
367 provisions of this act to promote the health, welfare and
368 prosperity of the general public.

369 **SECTION 11. Board of Directors for Pearl River County**

370 **Utility Authority.** (1) All powers of the Pearl River County
371 Utility Authority shall be exercised by a board of directors
372 comprised of seven (7) directors appointed as follows: Within
373 thirty (30) days of passage of this act, the Board of Supervisors
374 of Pearl River County shall appoint four (4) residents from the
375 county, and the Board of Aldermen of the City of Picayune shall
376 appoint two (2) residents from the city, and the Board of Aldermen
377 of the City of Poplarville shall appoint one (1) resident from the
378 city. The directors shall serve at the will and pleasure of the
379 governing body making the appointments.

380 (2) In addition to any other powers and rights conferred
381 upon such board of directors, the board is granted and may
382 exercise all powers and rights granted pursuant to Sections 20
383 through 37 of this act to promote the health, welfare and
384 prosperity of the general public.

385 **SECTION 12. Creation of the Stone County Utility Authority.**

386 There is hereby created and established a public body corporate
387 and politic constituting a political subdivision of the State of
388 Mississippi to be known as the "Stone County Utility Authority."
389 The authority is composed of the geographic area of Stone County
390 as defined in Section 19-1-131, Mississippi Code of 1972, for the
391 planning, acquisition, construction, maintenance, operation and
392 coordination of water, wastewater and storm water systems in order

393 to ensure the delivery of water, wastewater and storm water
394 services to citizens residing within the boundaries of Stone
395 County. The Stone County Utility Authority shall be deemed to be
396 acting in all respects for the benefit of the people of the state
397 in the performance of essential public functions, and the Stone
398 County Utility Authority shall be empowered in accordance with the
399 provisions of this act to promote the health, welfare and
400 prosperity of the general public.

401 **SECTION 13. Board of Directors for Stone County Utility**

402 **Authority.** (1) All powers of the Stone County Utility Authority
403 shall be exercised by a board of directors comprised of five (5)
404 directors appointed as follows: Within thirty (30) days of
405 passage of this act, the Board of Supervisors of Stone County
406 shall appoint three (3) residents from the county, and the Board
407 of Aldermen of the City of Wiggins shall appoint two (2) residents
408 from the city. The directors shall serve at the will and pleasure
409 of the governing body making the appointments.

410 (2) In addition to any other powers and rights conferred
411 upon such board of directors, the board is granted and may
412 exercise all powers and rights granted pursuant to Sections 20
413 through 37 of this act to promote the health, welfare and
414 prosperity of the general public.

415 **SECTION 14. Creation of the Harrison County Utility**

416 **Authority.** (1) There is hereby created and established a public
417 body corporate and politic constituting a political subdivision of
418 the State of Mississippi to be known as the "Harrison County
419 Utility Authority." The authority is composed of the geographic
420 area of Harrison County as defined in Section 19-1-47, Mississippi
421 Code of 1972, for the planning, acquisition, construction,
422 maintenance, operation and coordination of water, wastewater,
423 storm water and solid waste systems in order to ensure the
424 delivery of water, wastewater, storm water and solid waste

425 services to citizens residing within the boundaries of Harrison
426 County.

427 (2) Within thirty (30) days of passage of this act, the
428 Harrison County Utility Authority and the Harrison County
429 Wastewater and Solid Waste Management District shall consolidate
430 into a single agency, to be known as the Harrison County Utility
431 Authority, which shall be a continuance of the corporate existence
432 of the Harrison County Wastewater and Solid Waste Management
433 District. Such consolidation shall be effective by the concurrent
434 resolution of the Harrison County Wastewater and Solid Waste
435 Management District and the Harrison County Utility Authority and
436 the filing of a copy of such concurrent resolution with the
437 Secretary of State, certified by the Secretary of the Harrison
438 County Wastewater and Solid Waste Management District and the
439 Harrison County Utility Authority.

440 (3) Upon consolidation, the following shall apply:

441 (a) All property, rights and powers of the Harrison
442 County Wastewater and Solid Waste Management District are hereby
443 vested in and shall be exercised by the Harrison County Utility
444 Authority, subject, however to all pledges, covenants, agreements
445 and trusts made or created by the Harrison County Wastewater and
446 Solid Waste Management District;

447 (b) All debts, liabilities, obligations, agreements,
448 contracts and covenants of the Harrison County Wastewater and
449 Solid Waste Management District are hereby imposed upon the
450 Harrison County Utility Authority. Any property of the Harrison
451 County Wastewater and Solid Waste Management District in which a
452 mortgage or security interest has been granted to any bondholders
453 or other creditors of the Harrison County Wastewater and Solid
454 Waste Management District shall continue to be subject to the
455 mortgage or security interest until the mortgage or security
456 interest is defeased or terminated in accordance with its terms.
457 All bondholders and other creditors of the Harrison County

458 Wastewater and Solid Waste Management District and persons having
459 claims against or contracts with the Harrison County Wastewater
460 and Solid Waste Management District of any kind or character may
461 enforce those debts, claims and contracts against the Harrison
462 County Utility Authority in the same manner as they might have
463 against the Harrison County Wastewater and Solid Waste Management
464 District, and the rights and remedies of those bondholders,
465 creditors, and persons having claims or contracts shall not be
466 limited or restricted in any manner by this act;

467 (c) All regulations of the Harrison County Wastewater
468 and Solid Waste Management District shall continue to be in effect
469 as the regulations of the Harrison County Utility Authority until
470 amended, supplemented or rescinded by the authority in accordance
471 with law; and

472 (d) All employees of the Harrison County Wastewater and
473 Solid Waste Management District shall become employees of the
474 Harrison County Utility Authority. Nothing in this act shall
475 affect the civil service status, if any, of those employees or
476 their rights, privileges, obligations or status with respect to
477 any pension or retirement system.

478 **SECTION 15. Board of Directors for Harrison County Utility**
479 **Authority.** (1) All powers of the Harrison County Utility
480 Authority shall be exercised by a consolidated board consisting of
481 the Board of Directors of the Harrison County Wastewater and Solid
482 Waste Management District and the additional director provided
483 under this section for a total of seven (7) directors. Upon
484 consolidation, the Board of Supervisors of Harrison County shall
485 appoint one (1) additional director who shall be a resident of the
486 unincorporated area from the county. The director shall serve at
487 the will and pleasure of the board of supervisors. The
488 consolidated board shall consist of the mayor of each city
489 participating in the authority and the directors appointed by the

490 board of supervisors. Each director may appoint a delegate to
491 represent him at a meeting of the board.

492 (2) All business of the Harrison County Utility Authority
493 shall be transacted as provided in Section 21, except that all
494 actions affecting rates, bonds or capital improvements must be by
495 unanimous vote of all members of the board.

496 (3) In addition to any other powers and rights conferred
497 upon such board of directors, the board is granted and may
498 exercise all powers and rights granted pursuant to Sections 20
499 through 37 of this act to promote the health, welfare and
500 prosperity of the general public, including the power and right to
501 regulate and control solid waste within its jurisdictional
502 boundaries.

503 **SECTION 16. Creation of the Jackson County Utility**

504 **Authority.** (1) There is hereby created and established a public
505 body corporate and politic constituting a political subdivision of
506 the State of Mississippi to be known as the "Jackson County
507 Utility Authority." The authority is composed of the geographic
508 area of Jackson County as defined in Section 19-1-59, Mississippi
509 Code of 1972, for the planning, acquisition, construction,
510 maintenance, operation and coordination of water and wastewater
511 systems in order to ensure the delivery of water and wastewater
512 services to citizens residing within the boundaries of Jackson
513 County.

514 (2) Within thirty (30) days of passage of this act, the
515 Jackson County Utility Authority and the Mississippi Gulf Coast
516 Regional Wastewater Authority shall consolidate into a single
517 agency, to be known as the Jackson County Utility Authority, which
518 shall be a continuance of the corporate existence of the
519 Mississippi Gulf Coast Regional Wastewater Authority. Such
520 consolidation shall be effective by the concurrent resolution of
521 the Mississippi Gulf Coast Regional Wastewater Authority and the
522 Jackson County Utility Authority and the filing of a copy of such

523 concurrent resolution with the Secretary of State, certified by
524 the Secretary of the Mississippi Gulf Coast Regional Wastewater
525 Authority and the Jackson County Utility Authority.

526 (3) Upon consolidation the following shall apply:

527 (a) All property, rights and powers of the Mississippi
528 Gulf Coast Regional Wastewater Authority are hereby vested in and
529 shall be exercised by the Jackson County Utility Authority,
530 subject, however to all pledges, covenants, agreements and trusts
531 made or created by the Mississippi Gulf Coast Regional Wastewater
532 Authority;

533 (b) All debts, liabilities, obligations, agreements,
534 contracts and covenants of the Mississippi Gulf Coast Regional
535 Wastewater Authority are hereby imposed upon the Jackson County
536 Utility Authority. Any property of the Mississippi Gulf Coast
537 Regional Wastewater Authority in which a mortgage or security
538 interest has been granted to any bondholders or other creditors of
539 the Mississippi Gulf Coast Regional Wastewater Authority shall
540 continue to be subject to the mortgage or security interest until
541 the mortgage or security interest is defeased or terminated in
542 accordance with its terms. All bondholders and other creditors of
543 the Mississippi Gulf Coast Regional Wastewater Authority and
544 persons having claims against or contracts with the Mississippi
545 Gulf Coast Regional Wastewater Authority of any kind or character
546 may enforce those debts, claims and contracts against the Jackson
547 County Utility Authority in the same manner as they might have
548 against the Mississippi Gulf Coast Regional Wastewater Authority,
549 and the rights and remedies of those bondholders, creditors, and
550 persons having claims or contracts shall not be limited or
551 restricted in any manner by this act;

552 (c) All regulations of the Mississippi Gulf Coast
553 Regional Wastewater Authority shall continue to be in effect as
554 the regulations of the Jackson County Utility Authority until

555 amended, supplemented or rescinded by the Jackson County Utility
556 Authority in accordance with law; and

557 (d) All employees of the Mississippi Gulf Coast
558 Regional Wastewater Authority shall become employees of the
559 Jackson County Utility Authority. Nothing in this act shall
560 affect the civil service status, if any, of those employees or
561 their rights, privileges, obligations or status with respect to
562 any pension or retirement system.

563 **SECTION 17. Board of Directors for Jackson County Utility**

564 **Authority.** (1) Upon creation of the Jackson County Utility
565 Authority, all powers of the Jackson County Utility Authority
566 shall be exercised by the board of directors of the Mississippi
567 Gulf Coast Regional Wastewater Authority.

568 (2) Upon consolidation of the Jackson County Utility
569 Authority and the Mississippi Gulf Coast Wastewater Authority, the
570 county authority shall be governed by a board consisting of seven
571 (7) directors.

572 (a) The members of the Board of Directors of the
573 Mississippi Gulf Coast Regional Wastewater Authority shall serve
574 as Directors of the Jackson County Utility Authority until the
575 expiration of their existing terms. Upon expiration of a member's
576 term, the governing body making the appointment shall appoint a
577 person residing within the corporate boundaries of the governing
578 body to serve as a director.

579 (b) The City of Gautier shall appoint one (1) director
580 who resides within the City of Gautier for an initial term of
581 three (3) years.

582 (c) The Board of Supervisors of Jackson County shall
583 appoint two (2) additional directors for an initial term of two
584 (2) and four (4) years, respectively, who reside within the
585 unincorporated area of Jackson County.

586 (3) (a) After expiration of the initial terms, all
587 appointed directors shall serve a term of six (6) years.

588 (b) No director shall hold an elected public office.

589 (4) In addition to any other powers and rights conferred
590 upon such board of directors, the board is granted and may
591 exercise all powers and rights granted pursuant to Sections 20
592 through 37 of this act to promote the health, welfare and
593 prosperity of the general public.

594 **SECTION 18. Creation of the Hancock County Utility**

595 **Authority.** (1) There is hereby created and established a public
596 body corporate and politic constituting a political subdivision of
597 the State of Mississippi to be known as the "Hancock County
598 Utility Authority." The authority is composed of the geographic
599 area of Hancock County as defined in Section 19-1-59, Mississippi
600 Code of 1972, for the planning, acquisition, construction,
601 maintenance, operation and coordination of water, wastewater and
602 storm water systems in order to ensure the delivery of water,
603 wastewater and storm water services to citizens residing within
604 the boundaries of Hancock County.

605 (2) Within thirty (30) days of passage of this act, the
606 Hancock County Utility Authority and the Southern Regional
607 Wastewater Management District shall consolidate into a single
608 agency, to be known as the Hancock County Utility Authority, which
609 shall be a continuance of the corporate existence of the Southern
610 Regional Wastewater Management District. Such consolidation shall
611 be effective by the concurrent resolution of the Southern Regional
612 Wastewater Management District and the Hancock County Utility
613 Authority and the filing of a copy of such concurrent resolution
614 with the Secretary of State, certified by the Secretary of the
615 Southern Regional Wastewater Management District and the Hancock
616 County Utility Authority.

617 (3) Upon consolidation, the following shall apply:

618 (a) All property, rights and powers of the Southern
619 Regional Wastewater Management District are hereby vested in and
620 shall be exercised by the Hancock County Utility Authority,

621 subject, however to all pledges, covenants, agreements and trusts
622 made or created by the Southern Regional Wastewater Management
623 District;

624 (b) All debts, liabilities, obligations, agreements,
625 contracts and covenants of the Southern Regional Wastewater
626 Management District are hereby imposed upon the Hancock County
627 Utility Authority. Any property of the Southern Regional
628 Wastewater Management District in which a mortgage or security
629 interest has been granted to any bondholders or other creditors of
630 the Southern Regional Wastewater Management District shall
631 continue to be subject to the mortgage or security interest until
632 the mortgage or security interest is defeased or terminated in
633 accordance with its terms. All bondholders and other creditors of
634 the Southern Regional Wastewater Management District and persons
635 having claims against or contracts with the Southern Regional
636 Wastewater Management District of any kind or character may
637 enforce those debts, claims and contracts against the authority in
638 the same manner as they might have against the Southern Regional
639 Wastewater Management District, and the rights and remedies of
640 those bondholders, creditors, and persons having claims or
641 contracts shall not be limited or restricted in any manner by this
642 act;

643 (c) All regulations of the Southern Regional Wastewater
644 Management District shall continue to be in effect as the
645 regulations of the Hancock County Utility Authority until amended,
646 supplemented or rescinded by the Hancock County Utility Authority
647 in accordance with law; and

648 (d) All employees of the Southern Regional Wastewater
649 Management District shall become employees of the authority.
650 Nothing in this act shall affect the civil service status, if any,
651 of those employees or their rights, privileges, obligations or
652 status with respect to any pension or retirement system.

653 **SECTION 19. Board of Directors for Hancock County Utility**

654 **Authority.** (1) After consolidation, all powers of the Hancock
655 County Utility Authority shall be exercised by a board consisting
656 of the following:

657 (a) One (1) director appointed by the Mayor of Bay St.
658 Louis for an initial term of two (2) years;

659 (b) One (1) director appointed by the Mayor of Waveland
660 for an initial term of three (3) years;

661 (c) One (1) director appointed by the Board of
662 Supervisors who is a resident of Hancock County from an area that
663 is not served by the utility districts enumerated in this
664 subsection for an initial term of four (4) years;

665 (d) One (1) director who is the Chairman of the
666 Diamondhead Water and Sewer District;

667 (e) One (1) director who is the Chairman of the Kiln
668 Fire and Water District;

669 (f) One (1) director who is the Chairman of the Hancock
670 County Water and Sewer District; and

671 (g) One (1) director who is the Chairman of the
672 Pearlinton Water and Sewer District.

673 After expiration of the initial terms, the appointees in
674 paragraphs (a), (b) and (c) shall be appointed to a term of four
675 (4) years.

676 (2) In addition to any other powers and rights conferred
677 upon such board of directors, the board is granted and may
678 exercise all powers and rights granted pursuant to Sections 20
679 through 37 of this act to promote the health, welfare and
680 prosperity of the general public.

681 **SECTION 20. Provisions common to the county authorities.**

682 The purpose of Sections 20 through 37 of this act is to confer
683 certain powers on the county authorities for the purpose of
684 cooperating with federal, state and local public agencies for the
685 further development of local and regional water, wastewater and

686 storm water services within the Gulf Coast Region. In addition to
687 the powers over water, wastewater and storm water, the Harrison
688 County Utility Authority is granted power over solid waste within
689 its jurisdiction.

690 **SECTION 21. Board of directors, officers, compensation.** (1)
691 The board of directors of a county authority shall elect annually
692 from its number a president and vice president of the county
693 authority and such other officers as in the judgment of the board
694 are necessary. The president shall be the chief executive officer
695 of the authority and the presiding officer of the board, and shall
696 have the same right to vote as any other director. The vice
697 president shall act in the absence or disability of the president.
698 Each board also shall appoint a secretary and a treasurer who may
699 or may not be members of the board, and it may combine these
700 offices. The treasurer shall give bond in the sum of not less
701 than One Hundred Thousand Dollars (\$100,000.00) as set by the
702 board of directors, and each director may be required to give bond
703 in the sum of not less than Twenty-five Thousand Dollars
704 (\$25,000.00), with sureties qualified to do business in this
705 state, and the premiums on the bonds shall be an expense of the
706 authority. Each bond shall be payable to the State of
707 Mississippi, and the condition of each bond shall be that the
708 treasurer and director will faithfully perform all duties of his
709 office and account for all money and other assets which shall come
710 into his custody as treasurer or director of the authority.

711 (2) Each director of a county authority shall serve without
712 salary, but shall be entitled to receive per diem pay as provided
713 for in Section 25-3-69 and shall be reimbursed his actual
714 necessary expenses, as provided in Section 25-3-41, incurred while
715 in the performance of his duties as a member of the board of
716 directors of the authority upon authorization by the board.
717 Expenses shall be paid from available funds of the authority.

718 (3) All business of a county authority shall be transacted
719 by a majority vote of the total membership of the board of
720 directors. The quorum for any meeting of the board of directors
721 shall be a majority of the total membership of the board of
722 directors.

723 **SECTION 22. Powers of the county authorities.** From and
724 after the passage of this act, each and every county authority
725 shall have, in addition to any other powers granted under any
726 other provision of law, including, but not limited to, the
727 following:

728 (a) To acquire, construct, improve, enlarge, extend,
729 repair, operate and maintain one or more of its systems used for
730 the collection, transportation, treatment and disposal of water,
731 wastewater and storm water;

732 (b) To make contracts with any person in furtherance
733 thereof; and to make contracts with any person, under the terms of
734 which the county authority will collect, transport, treat or
735 dispose of water, wastewater and storm water for such person;

736 (c) To make contracts with any person to design and
737 construct any water, wastewater and storm water systems or
738 facilities, and thereafter to purchase, lease or sell, by
739 installments over such terms as may be deemed desirable,
740 reasonable and necessary, or otherwise, any such system or
741 systems;

742 (d) To enter into operating agreements with any person,
743 for such terms and upon such conditions as may be deemed
744 desirable, for the operation of any water, wastewater and storm
745 water systems; and the county authority may lease to or from any
746 person, for such term and upon such conditions as may be deemed
747 desirable, any water, wastewater and storm water collection,
748 transportation, treatment or its other facilities or systems. Any
749 such contract may contain provisions requiring any public agency
750 or other person to regulate the quality and strength of materials

751 to be handled by the respective system or systems and also may
752 provide that the county authority shall have the right to use any
753 streets, alleys and public ways and places within the jurisdiction
754 of a public agency or other person during the term of the
755 contract;

756 (e) To enter into contracts with any person or any
757 public agency, including, but not limited to, contracts authorized
758 by this act, in furtherance of any of the purposes authorized
759 under this act upon such consideration as the board of directors
760 and such person may agree. Any such contract may extend over any
761 period of time, notwithstanding any provision or rule of law to
762 the contrary; may be upon such terms and for such consideration,
763 nominal or otherwise, as the parties thereto shall agree; and may
764 provide that it shall continue in effect until bonds specified
765 therein, refunding bonds issued in lieu of such bonds, and all
766 other obligations specified therein are paid or terminated. Any
767 such contract shall be binding upon the parties thereto according
768 to its terms;

769 (f) To adopt an official seal and alter the same at
770 pleasure;

771 (g) To sue and be sued, in its own name, and to enjoy
772 all of the protections, immunities and benefits provided by the
773 Mississippi Tort Claims Act, as it may be amended or supplemented
774 from time to time;

775 (h) To maintain office space at such place or places
776 within the county authority boundaries as it may determine;

777 (i) To invest money of the county authority, including
778 proceeds from the sale of any bonds subject to any agreements with
779 bondholders, on such terms and in such manner as the county
780 authority deems proper;

781 (j) To require the necessary relocation or rerouting of
782 roads and highways, railroad, telephone and telegraph lines, and
783 properties, electric power lines, gas pipelines and related

784 facilities, or to require the anchoring or other protection of any
785 of these, provided fair compensation is first paid to the owners
786 or an agreement with such owners regarding the payment of the cost
787 of such relocation, and to acquire easements or rights-of-way for
788 such relocation or rerouting and to convey the same to the owners
789 of the property being relocated or rerouted in connection with the
790 purposes of this act;

791 (k) To acquire, construct, improve or modify, to
792 operate or cause to be operated and maintained, either as owner of
793 all or of any part in common with others, any water, wastewater or
794 storm water system within the county authority's service area.
795 The county authority may pay all or part of the cost of any system
796 from any contribution by persons, firms, public agencies or
797 corporations. The county authority may receive, accept and use
798 all funds, public or private, and pay all costs of the
799 development, implementation and maintenance as may be determined
800 as necessary for any project;

801 (l) To acquire, in its own name, by purchase on any
802 terms and conditions and in any manner as it may deem proper,
803 including by eminent domain, property for public use, or by gift,
804 grant, lease, or otherwise, real property or easements therein,
805 franchises and personal property necessary or convenient for its
806 corporate purposes;

807 (m) To acquire insurance for the county authority's
808 systems, facilities, buildings, treatment plants and all property,
809 real or personal, to insure against all risks as any insurance
810 may, from time to time, be available;

811 (n) To use any property and rent or lease any property
812 to or from others, including public agencies, or make contracts
813 for the use of the property. The county authority may sell,
814 lease, exchange, transfer, assign, pledge, mortgage or grant a
815 security interest for any property. The powers to acquire, use
816 and dispose of property as set forth in this paragraph shall

817 include the power to acquire, use and dispose of any interest in
818 that property, whether divided or undivided. Title to any
819 property of the county authority shall be held by the county
820 authority exclusively for the benefit of the public;

821 (o) To apply, contract for, accept, receive and
822 administer gifts, grants, appropriations and donations of money,
823 materials and property of any kind, including loans and grants
824 from the United States, the state, a unit of local government, or
825 any agency, department, district or instrumentality of any of the
826 foregoing, upon any terms and conditions as the United States, the
827 state, a unit of local government, or any agency, department,
828 district or instrumentality shall impose. The county authority
829 may administer trusts. The county authority may sell, lease,
830 transfer, convey, appropriate and pledge any and all of its
831 property and assets;

832 (p) To make and enforce, and from time to time amend
833 and repeal, bylaws, rules, ordinances and regulations for the
834 management of its business and affairs and for the construction,
835 use, maintenance and operation of any of the systems under its
836 management and control;

837 (q) To employ and terminate staff and other personnel,
838 including attorneys, engineers and consultants as may be necessary
839 to the functioning of the county authority. The board of
840 directors, in its discretion, may employ an executive director
841 having the authority to employ and fire employees and other duties
842 as determined by the board;

843 (r) To establish and maintain rates, fees and any other
844 charges for services and the use of systems and facilities within
845 the control of the county authority, and from time to time, to
846 adjust such rates, fees and any other charges to the end that the
847 revenues therefrom will be sufficient at all times to pay the
848 expenses of operating and maintaining of the facilities and
849 treatment systems and all of the persons' obligations under any

850 contract or bonds resolution with respect thereto or any
851 obligation of any person under any agreement, contract, indenture
852 or bonds resolution with respect thereto. Such rates, fees,
853 assessments and any other charges shall not be subject to the
854 jurisdiction of the Mississippi Public Service Commission;

855 (s) To adopt rules and regulations necessary to
856 accomplish the purposes of the county authority and to assure the
857 payment of each participating person or public agency of its
858 proportionate share of the costs for use of any of the systems and
859 facilities of the county authority and for the county authority's
860 proportionate share of the costs of the utility board;

861 (t) To enter on public or private lands, waters or
862 premises for the purpose of making surveys, borings or soundings,
863 or conducting tests, examinations or inspections for the purposes
864 of the authority, subject to responsibility for any damage done to
865 property entered;

866 (u) To accept industrial wastewater from within the
867 boundaries of the county authority for treatment and to require
868 the pretreatment of same when, in the opinion of the county
869 authority, such pretreatment is necessary;

870 (v) To control and operate local retail water,
871 wastewater and storm water services, and may provide or be
872 responsible for direct servicing of those services to residences,
873 businesses and individuals; however, the county authority shall
874 not provide the same services in an area provided by a public
875 utility or person holding a certificate of public convenience and
876 necessity issued by the Mississippi Public Service Commission for
877 the provision of such services in the certificated area. Any
878 rates, fees, assessments or other charges shall not be under the
879 control or regulation of the Mississippi Public Service
880 Commission;

881 (w) To assume control and administer, within the county
882 authority's jurisdiction, any water, wastewater or storm water

883 system or systems by agreement or contract with any person if the
884 person providing such services requests to be relieved of that
885 responsibility. However, the person may maintain control over
886 connections in their service areas and may charge rates, fees and
887 any other charges in addition to the rates, fees and any charges
888 of the county authority;

889 (x) The county authority shall have the power of
890 eminent domain for the particular purpose of the acquisition of
891 property designated by plan to sufficiently accommodate the
892 location of water, wastewater or storm water systems and such
893 requirements related directly thereto pursuant to the provisions
894 of Chapter 27, Title 11, Mississippi Code of 1972. The county
895 authority may acquire by eminent domain property necessary for any
896 system and the exercise of the powers, rights and duties conferred
897 upon the county authority by this act. No person owning the
898 drilling rights or the right to share in production shall be
899 prevented from exploring, developing or producing oil or gas with
900 necessary rights-of-way for ingress and egress, pipelines and
901 other means of transporting such interests on any lands or
902 interest of the county authority held or used for the purposes of
903 this act, but any such activities shall be subject to reasonable
904 regulations by the board of directors that will adequately protect
905 the systems or projects of the county authority;

906 (y) To use any legally available funds to acquire,
907 rebuild, operate and maintain any existing water, wastewater or
908 storm water systems owned or operated by any person;

909 (z) To refuse to receive water, wastewater or storm
910 water from any public agency or person; and

911 (aa) So long as any indebtedness on the systems of the
912 county authority remains outstanding, to require by contract with
913 a member public agency, or other person, that all water,
914 wastewater and storm water within the boundaries of the respective
915 county authority be disposed of through the appropriate treatment

916 system to the extent that the same may be available, but no public
917 agency shall be precluded from constructing, operating and
918 maintaining its own such system after the current indebtedness
919 owing on the system as of the effective date of this act is paid
920 in full.

921 **SECTION 23. Promulgation of rules and regulations relating**
922 **to construction, operation and maintenance of any water,**
923 **wastewater and storm water systems within each county authority's**
924 **service area.** (1) The county authority shall have the power,
925 duty and responsibility to exercise general supervision over the
926 design, construction, operation and maintenance of water,
927 wastewater and storm water systems.

928 (2) The county authority shall adopt rules and regulations
929 regarding the design, construction or installation, operation and
930 maintenance of water, wastewater and storm water systems.

931 (3) The county authority shall adopt rules and regulations
932 regarding the use of decentralized treatment systems, individual
933 on-site wastewater treatment systems and centralized wastewater
934 treatment systems.

935 (4) The county authority shall adopt rules establishing
936 performance standards for water, wastewater and storm water
937 systems and the operation and maintenance of the same. Such rules
938 and regulations shall include the implementation of a standard
939 application form for the installation, operation and maintenance
940 of such systems; application review; approval or denial procedures
941 for any proposed system; inspection, monitoring and reporting
942 guidelines; and enforcement procedures.

943 (5) (a) Before a building or development which requires the
944 installation of a water, wastewater or storm water system is
945 constructed, the system must be submitted to the county authority
946 for certification that the system complies with the county
947 authority requirements for such system.

948 (b) Before approving or renewing a water, wastewater or
949 storm water related permit for a system within a county authority,
950 the state agency must require certification that the system
951 complies with the requirements of the county authority.

952 (6) Any system of any municipality, public agency or other
953 persons which becomes connected with, or tied into, the systems of
954 the county authority, shall be subject to the county authority's
955 jurisdiction and the terms of this act.

956 (7) Notwithstanding the provisions of Section 51-39-1 et
957 seq., the county authority shall have the full power to adopt
958 rules and regulations and to construct, maintain and operate
959 facilities for the control of storm water quality and quantity.
960 In addition, the provisions of Section 51-33-1 et seq. relating to
961 drainage districts and flood control districts do not apply to the
962 county authority.

963 (8) The county authority may control and operate the local
964 retail water, wastewater or storm water services and may provide
965 or be responsible for direct servicing of those services to
966 residences, businesses and individuals; however, the county
967 authority shall not provide the same service in an area provided
968 by a public utility or person holding a certificate of public
969 convenience and necessity issued by the Mississippi Public Service
970 Commission for the provision of such services in the certificated
971 area.

972 **SECTION 24. Contracts between public agencies or persons and**
973 **the county authority for provision of water, wastewater and storm**
974 **water services by the county authority; payment for services and**
975 **contributions by public agencies.** (1) Any public agency or
976 person, pursuant to a duly adopted resolution of the governing
977 body of such public agency or person, may enter into contracts
978 with the county authority or county authorities under the terms of
979 which the county authority will manage, operate and contract for

980 usage of its systems and facilities, or other services, for such
981 person or public agency.

982 (2) Any public agency or person may enter into contracts
983 with the county authority for the county authority to purchase or
984 sell, by installments over such terms as may be deemed desirable,
985 or otherwise, to any person or any systems. Any public agency may
986 sell, donate, convey, or otherwise dispose of water, wastewater
987 and storm water facilities or systems; or any equipment, personal
988 property or any other things, deemed necessary for the
989 construction, operation, and maintenance to the county authority
990 without the necessity of appraisal, advertising, or bidding. This
991 section creates an alternative method of disposal of public
992 property.

993 (3) Any public agency is authorized to enter into operating
994 agreements with the county authority, for such terms and upon such
995 conditions as may be deemed desirable, for the operation of any of
996 its systems of any person by the county authority or by any person
997 contracting with the county authority to operate such systems.

998 (4) Any public agency may lease to or from the county
999 authority, for such term and upon such conditions as may be deemed
1000 desirable, any of its systems.

1001 (5) Any municipality or county may donate office space,
1002 equipment, supplies, and materials to the authority.

1003 (6) Any such contract may contain provisions requiring any
1004 public agency or other person to regulate the quality and strength
1005 of the material to be handled by the wastewater or storm water
1006 systems and may also provide that the county authority shall have
1007 the right to use any streets, alleys and public ways and places
1008 within the jurisdiction of a public agency or other person during
1009 the term of the contract. Such contracts may obligate the public
1010 agency to make payments to the county authority or to a trustee in
1011 amounts which shall be sufficient to enable the county authority
1012 to defray the expenses of administering, operating and maintaining

1013 its respective systems, to pay interest and principal (whether at
1014 maturity upon redemption or otherwise) on bonds of the county
1015 authority, issued under this act and to fund reserves for debt
1016 service, for operation and maintenance and for renewals and
1017 replacements, to fulfill the requirements of any rate covenant
1018 with respect to debt service coverage contained in any resolution,
1019 trust indenture or other security agreement relating to the bonds
1020 of the county authority issued under this act or to fulfill any
1021 other requirement relating to bonds issued pursuant to this act.

1022 (7) Any public agency shall have the power to enter into
1023 such contracts with the county authority as in the discretion of
1024 the governing body of the public agency would be in the best
1025 interest of the public agency. Such contracts may include a
1026 pledge of the full faith and credit of such public agency and/or
1027 the avails of any special assessments made by such public agency
1028 against property receiving benefits, as now or hereafter are
1029 provided by law. Any such contract may provide for the sale, or
1030 lease to, or use of by the county authority, of the systems or any
1031 part thereof, of the public agency; and may provide that the
1032 county authority shall operate its systems or any part thereof of
1033 the public agency; and may provide that any public agency shall
1034 have the right to continued use and/or priority use of the systems
1035 or any part thereof during the useful life thereof upon payment of
1036 reasonable charges therefor; and may contain provisions to assure
1037 equitable treatment of persons or public agencies who contract
1038 with the county authority under this act; and may contain such
1039 other provisions and requirements as the parties thereto may
1040 determine to be appropriate or necessary. Such contracts may
1041 extend over any period of time, notwithstanding any provisions of
1042 law to the contrary, and may extend beyond the life of the
1043 respective systems or any part thereof or the term of the bonds
1044 sold with respect to such facilities or improvements thereto.

1045 (8) The obligations of a public agency arising under the
1046 terms of any contract referred to in this act, whether or not
1047 payable solely from a pledge of revenues, shall not be included
1048 within the indebtedness limitations of the public agency for
1049 purposes of any constitutional or statutory limitation or
1050 provision. To the extent provided in such contract and to the
1051 extent such obligations of the public agency are payable wholly or
1052 in part from the revenues and other monies derived by the public
1053 agency from the operation of its systems or of its combined
1054 systems, or any part thereof, such obligations shall be treated as
1055 expenses of operating such systems.

1056 (9) Contracts referred to in this section may also provide
1057 for payments in the form of contributions to defray the cost of
1058 any purpose set forth in the contracts and as advances for the
1059 respective systems or any part thereof subject to repayment by the
1060 county authority. A public agency may make such contributions or
1061 advances from its general fund or surplus fund or from special
1062 assessments or from any monies legally available therefor.

1063 (10) Payments made, or to be made, to the county authority
1064 by a public agency or other person under a contract for any of its
1065 treatment systems, or any part thereof, shall not be subject to
1066 approval or review by the Mississippi Public Service Commission.

1067 (11) Subject to the terms of a contract or contracts
1068 referred to in this act, the county authority is hereby authorized
1069 to do and perform any and all acts or things necessary, convenient
1070 or desirable to carry out the purposes of such contracts,
1071 including the fixing, charging, collecting, maintaining and
1072 revising of rates, fees and other charges for the services
1073 rendered to any user of any of the systems operated or maintained
1074 by the county authority, whether or not such systems are owned by
1075 the county authority.

1076 (12) No provision of this act shall be construed to prohibit
1077 any public agency, otherwise permitted by law to issue bonds, from

1078 issuing bonds in the manner provided by law for the construction,
1079 renovation, repair or development of any of the county authority's
1080 systems, or any part thereof, owned or operated by such public
1081 agency.

1082 **SECTION 25. Rates, fees and other charges by public agencies**
1083 **for services provided by county authority.** Whenever a public
1084 agency shall have executed a contract under this act and the
1085 payments thereunder are to be made either wholly or partly from
1086 the revenues of the public agency's systems, or any part thereof,
1087 or a combination of such systems, the duty is hereby imposed on
1088 the public agency to establish and maintain and from time to time
1089 to adjust the rate or fees charged by the public agency for the
1090 services of such systems, so that the revenues therefrom, together
1091 with any taxes and special assessments levied in support thereof,
1092 will be sufficient at all times to pay:

1093 (a) The expense of operating and maintaining such
1094 systems, including all of the public agency's obligations to the
1095 county authority, its successors or assigns under such contract;
1096 and

1097 (b) All of the public agency's obligations under and in
1098 connection with bonds theretofore issued, or which may be issued
1099 thereafter and secured by the revenues of such systems. Any such
1100 contract may require the use of consulting engineers and financial
1101 experts to advise the public agency whether and when such rates
1102 and fees are to be adjusted.

1103 **SECTION 26. Public Service Commission notice.** (1)
1104 Notwithstanding the provisions of Sections 77-3-21 and 77-3-23,
1105 Mississippi Code of 1972, the certificate of public convenience
1106 and necessity held by any municipality, public agency, district,
1107 public utility or other person authorized by law to provide water,
1108 sewer and wastewater services may be cancelled and its powers,
1109 duties and responsibilities transferred to the county authority in
1110 the manner provided by this section.

1111 (2) Any entity described in subsection (1) of this section
1112 desiring to have its certificate of public convenience and
1113 necessity cancelled and its powers, duties and responsibilities
1114 transferred to the county authority shall make a determination to
1115 that effect on its official minutes if a public entity, or by
1116 affidavit if not a public entity, and transmit such determination
1117 to the county authority.

1118 (3) Upon receipt of the document evidencing such
1119 determination from an entity to transfer its powers, duties and
1120 responsibilities to the county authority, the county authority
1121 shall, by resolution, declare whether it is willing and able to
1122 accept such transfer from the entity.

1123 (4) Upon completion of the requirements of subsections (2)
1124 and (3) herein and agreement by both parties to the transfer, the
1125 holder of the certificate of public convenience and necessity and
1126 the county authority shall jointly petition the Public Service
1127 Commission to cancel the certificate of public convenience and
1128 necessity. The petition must be accompanied by copies of the
1129 official minutes, affidavit or resolution, as the case may be,
1130 reflecting the actions of the petitioners. After review of the
1131 petition and any other evidence as the Public Service Commission
1132 deems necessary, the commission may issue an order canceling the
1133 certificate and transferring to the county authority the powers,
1134 duties and responsibilities granted by the certificate, including
1135 all assets and debts of the transferor petitioner related to such
1136 certificated services, real or personal, or both, if it finds
1137 that:

1138 (a) Subsections (2) and (3) of this section have been
1139 complied with; and

1140 (b) Such action is in the public interest.

1141 (5) The county authority and providers of water, sewer,
1142 wastewater and storm water services that are not holders of a
1143 certificate of a public convenience and necessity from the Public

1144 Service Commission may enter into agreements for the provision of
1145 such services, including, but not limited to, the transfer to the
1146 county authority of such provider's powers, duties,
1147 responsibilities, assets and debts.

1148 **SECTION 27. Validation of prior indebtedness.** (1) Any
1149 system of a municipality, public agency or person that becomes
1150 subject to the jurisdiction of a county authority and this act
1151 shall not impair, invalidate or abrogate any liens, bonds or other
1152 certificates of indebtedness related to water, storm water or
1153 wastewater facilities and systems incurred prior to becoming
1154 subject to the jurisdiction of the county authority.

1155 (2) The county authority may do and perform any and all acts
1156 necessary, convenient or desirable to ensure the payment,
1157 redemption or satisfaction of such liens, bonds or other
1158 certificates of indebtedness.

1159 **SECTION 28. The power to borrow money and to issue revenue**
1160 **bonds.** (1) Sections 27 through 36 of this act apply to all bonds
1161 to be issued after the effective date of this act and such
1162 provisions shall not affect, limit or alter the rights and powers
1163 of any county authority under this act or any law of Mississippi
1164 to conduct the activities referred to herein in any way pertinent
1165 to the interests of the bondholders, including, without
1166 limitation, such county authority's right to charge and collect
1167 rates, fees and charges and to fulfill the terms of any covenants
1168 made with the registered owners of any existing bonds, or in any
1169 other way impair the rights and remedies of the registered owners
1170 of any existing bonds, unless provision for full payment of such
1171 bonds, by escrow or otherwise, has been made pursuant to the terms
1172 of the bonds or the resolution, trust indenture or security
1173 interest securing the bonds.

1174 (2) The county authority shall have the power and is hereby
1175 authorized, from time to time, to borrow money and to issue
1176 revenue bonds and interim notes in such principal amounts as the

1177 county authority may determine to be necessary to provide
1178 sufficient funds for achieving one or more of the purposes of this
1179 act, including, without limiting the generality of the foregoing,
1180 to defray all the costs of the project, the cost of the
1181 acquisition, construction, improvement, repair or extension of a
1182 system, or any part thereof, whether or not such facilities are
1183 owned by the county authority, the payment of interest on bonds of
1184 the county authority issued pursuant to this act, establishment of
1185 reserves to secure such bonds and payment of the interest thereon,
1186 expenses incident to the issuance of such bonds and to the
1187 implementation of the county authority's system, and all other
1188 expenditures of the county authority incident to or necessary or
1189 convenient to carry out the purposes of this act.

1190 (3) Before issuing bonds, other than interim notes or
1191 refunding bonds as provided in Section 29, the board of directors
1192 of the county authority shall adopt a resolution declaring its
1193 intention to issue such bonds and stating the maximum principal
1194 amount of bonds proposed to be issued, a general generic
1195 description of the proposed improvements and the proposed location
1196 thereof and the date, time and place at which the board of
1197 directors proposes to take further action with respect to the
1198 issuance of such bonds. The resolution of the county authority
1199 shall be published once a week for at least three (3) consecutive
1200 weeks in at least one (1) newspaper having a general circulation
1201 within the geographical limits of all of the public agencies which
1202 have contracted with the county authority pursuant to this act.

1203 (4) Bonds of the county authority issued pursuant to this
1204 act shall be payable from and secured by a pledge of all or any
1205 part of the revenues under one or more contracts entered into
1206 pursuant to this act between the county authority and one or more
1207 of its contracting public agencies and from all or any part of the
1208 revenues derived from the operation of any designated system or
1209 any part or parts thereof and any other monies legally available

1210 and designated therefor, as may be determined by such county
1211 authority, subject only to any agreement with the purchasers of
1212 the bonds. Such bonds may be further secured by a trust indenture
1213 between such county authority and a corporate trustee, which may
1214 be any trust company or bank having powers of a trust company
1215 without or within the state.

1216 (5) Bonds of the county authority issued pursuant to this
1217 act shall be authorized by a resolution or resolutions adopted by
1218 a majority affirmative vote of the total membership of the board
1219 of directors of the county authority. Such bonds may be issued in
1220 series, and each series of such bonds shall bear such date or
1221 dates, mature at such time or times, bear interest at such rate or
1222 rates (not exceeding the maximum rate set out in Section
1223 75-17-103, Mississippi Code of 1972), be in such denomination or
1224 denominations, be in such form, carry such conversion privileges,
1225 have such rank or priority, be executed in such manner and by such
1226 officers, be payable from such sources in such medium of payment
1227 at such place or places within or without the state, provided that
1228 one such place shall be within the state, and be subject to such
1229 terms of redemption prior to maturity, all as may be provided by
1230 resolution or resolutions of the board of directors. The term of
1231 such bonds issued pursuant to this act shall not exceed forty (40)
1232 years.

1233 (6) Bonds of the county authority issued pursuant to this
1234 act may be sold at such price or prices, at public or private
1235 sale, in such manner and at such times as may be determined by
1236 such county authority to be in the public interest, and such
1237 county authority may pay all expenses, premiums, fees and
1238 commissions which it may deem necessary and advantageous in
1239 connection with the issuance and sale thereof.

1240 (7) Any pledge of earnings, revenues or other monies made by
1241 the county authority shall be valid and binding from the time the
1242 pledge is made. The earnings, revenues or other monies so pledged

1243 and thereafter received by such county authority shall immediately
1244 be subject to the lien of such pledge without any physical
1245 delivery thereof or further act, and the lien of any such pledge
1246 shall be valid and binding as against all parties having claims of
1247 any kind in tort, contract or otherwise against such county
1248 authority irrespective of whether such parties have notice
1249 thereof. Neither the resolution nor any other instrument by which
1250 a pledge is created need be recorded.

1251 (8) Neither the members of the board of directors nor any
1252 person executing the bonds shall be personally liable on the bonds
1253 or be subject to any personal liability or accountability by
1254 reason of the issuance thereof.

1255 (9) Proceeds from the sale of bonds of the county authority
1256 may be invested, pending their use, in such securities as may be
1257 specified in the resolution authorizing the issuance of the bonds
1258 or the trust indenture securing them, and the earnings on such
1259 investments applied as provided in such resolution or trust
1260 indenture.

1261 (10) Whenever any bonds shall have been signed by the
1262 officer(s) designated by the resolution of the board of directors
1263 to sign the bonds who were in office at the time of such signing
1264 but who may have ceased to be such officer(s) prior to the sale
1265 and delivery of such bonds, or who may not have been in office on
1266 the date such bonds may bear, the manual or facsimile signatures
1267 of such officer(s) upon such bonds shall nevertheless be valid and
1268 sufficient for all purposes and have the same effect as if the
1269 person so officially executing such bonds had remained in office
1270 until the delivery of the same to the purchaser or had been in
1271 office on the date such bonds may bear.

1272 (11) The county authority has the discretion to advance or
1273 borrow funds needed to satisfy any short-term cash flow demands or
1274 deficiencies or to cover start-up costs until such time as

1275 sufficient bonds, assets and revenues have been secured to satisfy
1276 the needs of the county authority.

1277 **SECTION 29. Bonds of county authority. (1) Refunding**

1278 **bonds.** The county authority may, by resolution adopted by its
1279 board of directors, issue refunding bonds for the purpose of
1280 paying any of its bonds at or prior to maturity or upon
1281 acceleration or redemption. Refunding bonds may be issued at such
1282 time prior to the maturity or redemption of the refunded bonds as
1283 the board of directors deems to be in the public interest, without
1284 an election on the question of the issuance thereof. The
1285 refunding bonds may be issued in sufficient amounts to pay or
1286 provide the principal of the bonds being refunded, together with
1287 any redemption premium thereon, any interest accrued or to accrue
1288 to the date of payment of such bonds, the expenses of issue of the
1289 refunding bonds, the expenses of redeeming the bonds being
1290 refunded, and such reserves for debt service or other capital or
1291 current expenses from the proceeds of such refunding bonds as may
1292 be required by the resolution, trust indenture or other security
1293 instruments. The issue of refunding bonds, the maturities and
1294 other details thereof, the security therefor, the rights of the
1295 holders and the rights, duties and obligations of the county
1296 authority in respect of the same shall be governed by the
1297 provisions of this act relating to the issue of bonds other than
1298 refunding bonds insofar as the same may be applicable. Any such
1299 refunding may be effected, whether the obligations to be refunded
1300 shall have then matured or shall thereafter mature, either by the
1301 exchange of the refunding bonds for the obligations to be refunded
1302 thereby with the consent of the holders of the obligations so to
1303 be refunded, or by sale of the refunding bonds and the application
1304 of the proceeds thereof to the payment of the obligations proposed
1305 to be refunded thereby, and regardless of whether the obligations
1306 proposed to be refunded shall be payable on the same date or
1307 different dates or shall be due serially or otherwise.

1308 (2) **Interim notes.** Borrowing by the county authority may be
1309 made by the delivery of interim notes to any person or public
1310 agency or financial institution by a majority vote of the board of
1311 directors.

1312 **SECTION 30.** All bonds (other than refunding bonds, interim
1313 notes and certificates of indebtedness, which may be validated)
1314 issued pursuant to this act shall be validated as now provided by
1315 law in Sections 31-13-1 through 31-13-11, Mississippi Code of
1316 1972; however, notice of such validation proceedings shall be
1317 addressed to the citizens of the respective public agencies (a)
1318 which have contracted with the county authority pursuant to this
1319 act, and (b) whose contracts and the payments to be made by the
1320 public agencies thereunder constitute security for the bonds of
1321 such county authority proposed to be issued, and that such notice
1322 shall be published at least once in a newspaper or newspapers
1323 having a general circulation within the geographical boundaries of
1324 each of the contracting public agencies to whose citizens the
1325 notice is addressed. Such validation proceedings shall be
1326 instituted in any chancery courts within the boundaries of the
1327 county authority. The validity of the bonds so validated and of
1328 the contracts and payments to be made by the public agencies
1329 thereunder constituting security for the bonds shall be forever
1330 conclusive against the county authority and the public agencies
1331 which are parties to said contracts; and the validity of said
1332 bonds and said contracts and the payments to be made thereunder
1333 shall never be called in question in any court in this state.

1334 **SECTION 31.** Bonds issued under the provisions of this act
1335 shall not be deemed to constitute, within the meaning of any
1336 constitutional or statutory limitation, an indebtedness of the
1337 county authority. Such bonds shall be payable solely from the
1338 revenues or assets of the county authority pledged therefor. Each
1339 bond issued under this act shall contain on the face thereof a
1340 statement to the effect that such county authority shall not be

1341 obligated to pay the same nor the interest thereon except from the
1342 revenues or assets pledged therefor.

1343 **SECTION 32.** The county authority shall have power in
1344 connection with the issuance of its bonds pursuant to this act to:

1345 (a) Covenant as to the use of any or all of its
1346 property, real or personal;

1347 (b) Redeem the bonds, to covenant for their redemption
1348 and to provide the terms and conditions thereof;

1349 (c) Covenant to charge rates, fees and charges
1350 sufficient to meet operating and maintenance expenses, renewals
1351 and replacements, principal and debt service on bonds, creation
1352 and maintenance of any reserves required by a bonds resolution,
1353 trust indenture or other security instrument and to provide for
1354 any margins or coverages over and above debt service on the bonds
1355 deemed desirable for the marketability of the bonds;

1356 (d) Covenant and prescribe as to events of default and
1357 terms and conditions upon which any or all of its bonds shall
1358 become or may be declared due before maturity, as to the terms and
1359 conditions upon which such declaration and its consequences may be
1360 waived and as to the consequences of default and the remedies of
1361 the registered owners of the bonds;

1362 (e) Covenant as to the mortgage or pledge of or the
1363 grant of a security interest in any real or personal property and
1364 all or any part of the revenues from any designated system or any
1365 part thereof or any revenue-producing contract or contracts made
1366 by a county authority with any person to secure the payment of
1367 bonds, subject to such agreements with the registered owners of
1368 bonds as may then exist;

1369 (f) Covenant as to the custody, collection, securing,
1370 investment and payment of any revenues, assets, monies, funds or
1371 property with respect to which a county authority may have any
1372 rights or interest;

1373 (g) Covenant as to the purposes to which the proceeds
1374 from the sale of any bonds then or thereafter to be issued may be
1375 applied, and the pledge of such proceeds to secure the payment of
1376 the bonds;

1377 (h) Covenant as to the limitations on the issuance of
1378 any additional bonds, the terms upon which additional bonds may be
1379 issued and secured, and the refunding of outstanding bonds;

1380 (i) Covenant as to the rank or priority of any bonds
1381 with respect to any lien or security;

1382 (j) Covenant as to the procedure by which the terms of
1383 any contract with or for the benefit of the registered owners of
1384 bonds may be amended or abrogated, the amount of bonds the
1385 registered owners of which must consent thereto, and the manner in
1386 which such consent may be given;

1387 (k) Covenant as to the custody of any of its properties
1388 or investments, the safekeeping thereof, the insurance to be
1389 carried thereon, and the use and disposition of insurance
1390 proceeds;

1391 (l) Covenant as to the vesting in a trustee or
1392 trustees, within or outside the state, of such properties, rights,
1393 powers and duties in trust as such county authority may determine;

1394 (m) Covenant as to the appointing and providing for the
1395 duties and obligations of a paying agent or paying agents or other
1396 fiduciaries within or outside the state;

1397 (n) Make all other covenants and to do any and all such
1398 acts and things as may be necessary or convenient or desirable in
1399 order to secure its bonds, or in the absolute discretion of the
1400 county authority tend to make the bonds more marketable,
1401 notwithstanding that such covenants, acts or things may not be
1402 enumerated herein; it being the intention hereof to give any
1403 county authority power to do all things in the issuance of bonds
1404 and in the provisions for security thereof which are not
1405 inconsistent with the Constitution of the state; and

1406 (o) Execute all instruments necessary or convenient in
1407 the exercise of the powers herein granted or in the performance of
1408 covenants or duties, which may contain such covenants and
1409 provisions, as any purchaser of the bonds of the county authority
1410 may reasonably require.

1411 SECTION 33. The county authority may, in any authorizing
1412 resolution of the board of directors, trust indenture or other
1413 security instrument relating to its bonds issued pursuant to this
1414 act, provide for the appointment of a trustee who shall have such
1415 powers as are provided therein to represent the registered owners
1416 of any issue of bonds in the enforcement or protection of their
1417 rights under any such resolution, trust indenture or security
1418 instrument. The county authority may also provide in such
1419 resolution, trust indenture or other security instrument that the
1420 trustee, or in the event that the trustee so appointed shall fail
1421 or decline to so protect and enforce such registered owners'
1422 rights then such percentage of registered owners as shall be set
1423 forth in, and subject to the provisions of, such resolution, trust
1424 indenture or other security interest, may petition the court of
1425 proper jurisdiction for the appointment of a receiver of the
1426 county authority's systems, the revenues of which are pledged to
1427 the payment of the principal of and interest on the bonds of such
1428 registered owners. Such receiver may exercise any power as may be
1429 granted in any such resolution, trust indenture or security
1430 instrument to enter upon and take possession of, acquire,
1431 construct or reconstruct or operate and maintain such system, fix
1432 charges for services of the system and enforce collection thereof,
1433 and receive all revenues derived from such system or facilities
1434 and perform the public duties and carry out the contracts and
1435 obligations of such county authority in the same manner as such
1436 county authority itself might do, all under the direction of such
1437 court.

1438 **SECTION 34.** (1) The exercise of the powers granted by this
1439 act will be in all respects for the benefit of the people of the
1440 state, for their well-being and prosperity and for the improvement
1441 of their social and economic conditions, and the county authority
1442 shall not be required to pay any tax or assessment on any property
1443 owned by the county authority under the provisions of this act or
1444 upon the income therefrom; nor shall the county authority be
1445 required to pay any recording fee or transfer tax of any kind on
1446 account of instruments recorded by it or on its behalf.

1447 (2) Any bonds issued by the county authority under and
1448 pursuant to the provisions of this act, their transfer and the
1449 income therefrom shall at all times be free from taxation by the
1450 state or any local unit or political subdivision or other
1451 instrumentality of the state, excepting inheritance and gift
1452 taxes.

1453 **SECTION 35.** All bonds issued under the provisions of this
1454 act shall be legal investments for trustees, other fiduciaries,
1455 savings banks, trust companies and insurance companies organized
1456 under the laws of the State of Mississippi; and such bonds shall
1457 be legal securities which may be deposited with and shall be
1458 received by all public officers and bodies of the state and all
1459 municipalities and other political subdivisions thereof for the
1460 purpose of securing the deposit of public funds.

1461 **SECTION 36.** The state hereby covenants with the registered
1462 owners of any bonds of any county authority that so long as the
1463 bonds are outstanding and unpaid the state will not limit or alter
1464 the rights and powers of any county authority under this act to
1465 conduct the activities referred to herein in any way pertinent to
1466 the interests of the bondholders, including, without limitation,
1467 such county authority's right to charge and collect rates, fees,
1468 assessments and charges and to fulfill the terms of any covenants
1469 made with the registered owners of the bonds, or in any other way
1470 impair the rights and remedies of the registered owners of the

1471 bonds, unless provision for full payment of such bonds, by escrow
1472 or otherwise, has been made pursuant to the terms of the bonds or
1473 the resolution, trust indenture or security interest securing the
1474 bonds.

1475 SECTION 37. For the purposes of satisfying any temporary
1476 cash flow demands and deficiencies, and to maintain a working
1477 balance for the county authority, the county, municipalities or
1478 public agencies within the geographic boundaries of the county
1479 authority, or other persons, subject to their lawful authority to
1480 do so, are authorized to advance, at any time, such funds which,
1481 in its discretion, are necessary, or borrow such funds by issuance
1482 of notes, for initial capital contribution and to cover start-up
1483 costs until such times as sufficient bonds, assets and revenues
1484 have been secured to satisfy the needs of the county authority for
1485 its management, operation and formation. To this end, the county,
1486 municipality, public agency or person, subject to their lawful
1487 authority to do so, shall advance such funds, or borrow such funds
1488 by issuance of notes, under such terms and conditions as may be
1489 provided by resolution of the governing body, or other persons as
1490 defined in this act, subject to their lawful authority to do so,
1491 except that each such resolution shall state:

1492 (a) The need for the proceeds advanced or borrowed;

1493 (b) The amount to be advanced or the amount to be
1494 borrowed;

1495 (c) The maximum principal amount of any note issued the
1496 interest rate or maximum interest rate to be incurred, and the
1497 maturity date of said note;

1498 (d) In addition, the governing body, or other persons
1499 as defined in this act, subject to their lawful authority to do
1500 so, may arrange for lines of credit with any bank, firm or person
1501 for the purpose of providing an additional source of repayment for
1502 notes issued pursuant to this section. Amounts drawn on a line of
1503 credit may be evidenced by negotiable or nonnegotiable notes or

1504 other evidences of indebtedness and contain such terms and
1505 conditions as the governing body, or other persons as defined in
1506 this act, subject to their lawful authority to do so, may
1507 authorize in the resolution approving the same;

1508 (e) The governing body of the county, municipalities or
1509 other persons as defined in this act, subject to their lawful
1510 authority to do so, may authorize the repayment of such advances,
1511 notes, lines of credit and other debt incurred under this section,
1512 along with all costs associated with the same, including, but not
1513 limited to, rating agency fees, printing costs, legal fees, bank
1514 or trust company fees, line of credit fees and other charges to be
1515 reimbursed by the county authority under such terms and conditions
1516 as are reasonable and are to be provided for by resolution of the
1517 governing body, or terms agreed upon with other persons as defined
1518 in this act, subject to their lawful authority to do so;

1519 (f) In addition, the governing body of the county,
1520 municipality or public agency may lease or donate office space and
1521 equipment to the county authority under such terms and conditions
1522 as are reasonable and are to be provided for by resolution of the
1523 governing body, or terms agreed upon by the county authority.

1524 **SECTION 38.** If any clause, sentence, paragraph, section or
1525 part of the provisions of this act shall be adjudged by any court
1526 of competent jurisdiction to be invalid, such judgment shall not
1527 affect, impair or invalidate the remainder thereof directly
1528 involved in the controversy in which such judgment shall have been
1529 rendered.

1530 **SECTION 39.** Sections 49-17-161, 49-17-162, 49-17-163,
1531 49-17-165, 49-17-167, 49-17-169, 49-17-171, 49-17-173, 49-17-175,
1532 49-17-177, 49-17-179, 49-17-181, 49-17-183, 49-17-185, 49-17-187,
1533 49-17-189, 49-17-191, 49-17-193, 49-17-195, 49-17-197, 49-17-199,
1534 49-17-201, 49-17-203, 49-17-205, 49-17-207 and 49-17-209,
1535 Mississippi Code of 1972, cited as the "Southern Regional
1536 Wastewater Management Act," which create and empower the Southern

1537 Regional Wastewater Management District, shall repeal on July 1,
1538 2007.

1539 **SECTION 40.** Sections 49-17-301, 49-17-303, 49-17-305,
1540 49-17-307, 49-17-309, 49-17-311, 49-17-313, 49-17-315, 49-17-317,
1541 49-17-319, 49-17-321, 49-17-323, 49-17-325, 49-17-327, 49-17-329,
1542 49-17-331, 49-17-333, 49-17-335, 49-17-337, 49-17-339, 49-17-341,
1543 49-17-343, 49-17-345, 49-17-347, 49-17-349, 49-17-351 and
1544 49-17-353, Mississippi Code of 1972, cited as the "Mississippi
1545 Gulf Coast Regional Wastewater Authority Act," which create and
1546 empower the Mississippi Gulf Coast Regional Wastewater Authority,
1547 shall repeal on July 1, 2007.

1548 **SECTION 41.** This act shall take effect and be in force from
1549 and after its passage.